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Before the
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Cellular Service and Other Commercial
Mobile Radio Services in the Gulf of
Mexico

Amendment of Part 22 of the Commission's
Rules to Provide for Filing and Processing
of Applications for Unserved Areas in the
Cellular Service and to Modify Other
Cellular Rules

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) WT Docket No. 97-112
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) CC Docket No. 90-6
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**REPLY COMMENTS OF SPRINT SPECTRUM L.P. d/b/a SPRINT PCS ON THE
SECOND FURTHER NOTICE OF PROPOSED RULEMAKING**

Sprint Spectrum L.P. d/b/a Sprint PCS ("Sprint PCS") hereby replies to the comments submitted in the above-captioned proceeding. In particular, Sprint PCS responds to the positions advanced by the American Petroleum Institute ("API") and the Shell Offshore Services Company ("Shell"). Both API and Shell contend the Commission should not license PCS service in the Gulf because it is technically infeasible to implement PCS there and because such implementation would unduly disrupt the petroleum and natural gas industries.

As an initial matter, API and Shell mischaracterize the issue by failing to acknowledge the service rights of existing PCS licensees. As Sprint PCS explained in its comments, PCS licensees of MTAs bordering the Gulf already are entitled to serve that area; this issue has been confirmed by the Commission in General Docket 90-314. The fact remains that PCS paid for the coverage. Shell and API are years late in advancing their new

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and novel licensing proposal. Just as importantly, however, none of the issues raised by API or Shell justify prohibiting PCS in the Gulf. PCS providers paid for the coverage and are fully prepared to offer service in the Gulf. Additionally, the integrity of microwave systems operated by petroleum companies are fully protected by the Commission's rules.

I. PCS Is Technically Capable of Operating in the Gulf.

API urges the Commission to rededicate the 1850-1990 MHz band in the Gulf from PCS to microwave services because unfavorable propagation characteristics "may" make it technically infeasible to implement PCS.¹ In particular, API believes platforms in the Gulf are too widely separated to accommodate the installation of the multiple transmitters needed to sustain mobile operations in the 1850-1990 MHz band. Additionally, API claims it is "unlikely" PCS providers could build the platform infrastructure to support the necessary tower for conventional PCS.²

API is not the appropriate party to advise the Commission on the technical feasibility of PCS operation in the Gulf. API is not a PCS provider and therefore it is in no position to evaluate the technical intricacies of operating PCS in the Gulf. API has also failed to submit engineering studies to support the alleged technical infeasibility of PCS operation in the Gulf. Accordingly, API's comments amount to little more than misguided and uninformed speculation about the technical efficacy of PCS. In calculating their bids to acquire licenses, PCS providers of Gulf-bordering MTAs considered the Gulf area as part of

¹ See Comments of API at 8.

² *Id.*

their operating territory. These PCS providers would not have committed such extensive resources to securing MTAs neighboring the Gulf if they believed that successful operation of PCS in those water areas would be technically infeasible. If PCS providers believe in the viability of PCS in the Gulf and are willing to invest in its development -- and they already are -- API's unsubstantiated views should not be allowed to discredit this choice.³ Moreover, API labors under a false assumption of the technical parameters available to PCS. Numerous technologies exist to facilitate the transmission of PCS signals between the Gulf's transmitters. For example, technologies such as smart antennas, are being developed to extend the reach of PCS signals.⁴

II. The Introduction of PCS in the Gulf Will Not Disrupt Operations of the Oil and Petroleum Industries.

Shell bases its claim that the Commission should preclude PCS in the Gulf on the erroneous premise that PCS would disrupt local oil and petroleum companies. According to Shell, the introduction of PCS would disrupt gas and petroleum companies because they rely heavily upon microwave systems that may have to be relocated with the entry of PCS. Sprint PCS acknowledges the heavy reliance gas and oil companies place upon their microwave systems for communications. However, the rollout of PCS nationwide has not

³ PCS providers are eager to provide service to the Gulf. *See* Comments of PrimeCo Personal Communications, LP at 4-7; Comments of Benbow PCS Venture, Inc. at 2.

⁴ *See* Public Notice "Commission to Hold Public Forum on Smart Antenna Technology" (July 2, 1997). Moreover, any proposal to reallocate an entire spectrum band cannot be considered in this docket under the Administrative Procedures Act. *See* 5 U.S.C. § 553.

harmed any industry -- including the petroleum industry -- in its reliance on microwave communications.

In adopting its microwave relocation rules in ET Docket 92-9, the Commission previously weighed and resolved the issues raised by Shell.⁵ The Commission's transition plan for the introduction of PCS provides protection for microwave incumbents' interests. Petroleum companies, like all other microwave incumbents, are protected under the Commission's microwave relocation rules from service disruptions. Microwave licensees are entitled to maintain their existing systems pursuant to the Commission's well-established transition period. Under the rules, PCS providers must protect and are prohibited from causing harmful interference to microwave incumbents. PCS providers must either design their networks to work around microwave incumbents or relocate incumbent links following the procedures outlined in ET Docket 92-9. An incumbent can only be relocated if there are suitable frequencies available for it to move to. The fact that petroleum companies operate in the Gulf does not negate the protections provided under the rules.

* * *

As Sprint PCS pointed out in its comments, PCS licensees of bordering MTAs are entitled to provide service to the Gulf. PCS providers paid for the coverage and are fully prepared to offer service in the Gulf. Moreover, the Commission confirmed PCS providers' right to serve the Gulf by its decision in *Mobil Oil Telecom, Ltd.* and PCS providers have

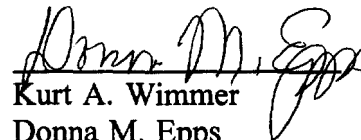
⁵ See *Redevelopment of Spectrum to Encourage Innovation in the Use of New Telecommunications Technologies*, First Report and Order and Third Notice of Proposed Rulemaking, 7 FCC Rcd 22 (1993).

relied upon it.⁶ The issues raised by API and Shell are unfounded and do not warrant a prohibition of PCS in the Gulf. PCS is entitled to provide service there and is technically capable of operating in the Gulf.

Respectfully submitted,

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⁶ 11 FCC Rcd. 4115 (1996).